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[Your Name]

[Your Title]

[Your Company]

[Street Address, City, State ZIP]

May 14, 2026

[Opposing Counsel Name]

[Firm Name]

[Address]

Re: U.S. Patent No. 7670612B2 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 7670612B2 (the "7670612B2 Patent"). After preliminary review, we have substantial concerns about the validity, enforceability, and scope of the asserted claims, summarized below. We reserve all rights and defenses.

1. Subject Patent — Summary

Summary of U.S. Patent 7,670,612 B2

Title: Multi-phase, multi-compartment capsular delivery apparatus and methods for using same

Assignee: INNERCAP Technologies Inc

Inventor: Fred H. Miller

Filing Date: March 19, 2004

Issue Date: March 2, 2010

Abstract:

A multi-phase, multi-compartment capsule is provided. The capsule may have a plurality of compartments (e.g., receiving chambers). Each compartment may have at least one ingredient. The ingredient may be a nutraceutical, a vitamin, a dietary supplement, a mineral or a combination thereof. The physical state of the ingredient in one compartment may be different from the physical state of the ingredient in another compartment. For...

2. Validity Concerns under 35 U.S.C. § 102 — Prior Art

We have identified prior-art references that, in our preliminary view, anticipate one or more asserted claims of the 7670612B2 Patent:

Analysis of Most Relevant Prior Art for U.S. Patent 7,670,612 B2

This analysis identifies and examines the most relevant prior art cited during the prosecution of U.S. Patent 7,670,612 B2 (the '612 patent). The focus is on determining whether any single reference anticipates the independent claims of the '612 patent under 35 U.S.C. § 102. The priority date of the '612 patent is April 10, 2002; all references discussed predate this and qualify as prior art.

The core invention of the '612 patent, as defined by independent claims 1 and 58, is a hard-shell capsule with at least two separate chambers containing different ingredients in different physical states (e.g., a solid and a liquid). Claim 1 applies this to nutraceuticals, vitamins, dietary supplements, and minerals generally, while claim 58 specifically claims a vitamin/mineral combination.

Based on a review of the cited references, the following patents are considered most relevant.

1. U.S. Patent 5,679,376 A

• Full Citation: U.S. Patent 5,679,376 A, "Capsule having two chambers for separately housing two different...

3. Obviousness under 35 U.S.C. § 103

Independent of § 102, we believe the asserted claims are obvious in view of combinations of prior art that a person having ordinary skill in the art would have been motivated to combine:

Obviousness Analysis of U.S. Patent 7,670,612 B2 under 35 U.S.C. § 103

This analysis evaluates whether the independent claims of U.S. Patent 7,670,612 B2 (the '612 patent) would have been obvious to a person having ordinary skill in the art (PHOSITA) at the time of the invention, based on the prior art cited during prosecution. A PHOSITA in this context is understood to be an individual with experience in pharmaceutical or nutritional supplement formulation and capsule manufacturing technology. The analysis is based on the combination of prior art references to arrive at the claimed invention.

Obviousness of Independent Claim 1

Claim 1 protects a hard-shell capsule with at least two chambers, containing two different ingredients (from the group of nutraceuticals, vitamins, dietary supplements, or minerals) in two different physical states, with at least one being for immediate release.

An argument for the obviousness of claim 1 can be constructed by combining the teachings of U.S. Patent 5,679,376 A ('376 patent) with the general knowledge of a PHOSITA regarding the...

4. Request

In light of the foregoing, we request that your client (i) provide a detailed claim chart identifying each accused product or service and mapping every limitation of each asserted claim, (ii) identify any prior art known to your client, including any references cited during prosecution or reexamination, and (iii) substantiate the basis for any damages or licensing demand. We are prepared to discuss the matter further once we have received and reviewed the foregoing.

Sincerely,

[Your Name]

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